



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.09.2015

C O R A M

THE HONOURABLE MR.JUSTICE T.RAJA

W.P(MD)No.17545 of 2015

R.Athinathan

.. Petitioner

Vs.

1.The Chief Engineer,
National Highways Department,
Chepauk, Chennai - 600 005.

2.The Superintending Engineer,
National Highways Department,
Madurai.

3.The Divisional Engineer,
National Highways Department,
Thanjavur.

..Respondents

Prayer : Petition filed under Article 226 of the Constitution of India for the issuance of a Writ of Mandamus, directing the third respondent i.e., the Divisional Engineer, National Highways, Thanjavur to carry out the orders issued by the Chief Engineer, National Highways, Chennai in his Memo No.5905/Secret/NH/2014 dated 25.05.2015 and 14.08.2015 regarding disbursement of pay arrears of the petitioner and assured before the District Collector, Thanjavur by the Divisional Engineer, National Highways, Thanjavur in his letter No.777/2013/A1 dated 14.03.2015.

For Petitioner : Mr.S.Visvalingam

For Respondents : Mr.K.P.Krishnadoss
Government Advocate

ORDER

The petitioner has come to this Court seeking a Writ of Mandamus, directing the third respondent i.e., the Divisional Engineer, National Highways, Thanjavur to carry out the orders issued by the first respondent-Chief Engineer, National Highways, Chennai in his Memo No.5905/Secret/NH/2014 dated 25.05.2015 and 14.08.2015 regarding the disbursement of pay arrears of the petitioner as assured before the District Collector, Thanjavur by the Divisional Engineer, National Highways, Thanjavur in his letter No.777/2013/A1, dated 14.03.2015.

2. Heard the learned counsel for the petitioner. Mr.K.P.Krishnadoss, learned Additional Government Pleader takes notice for the respondents.

<https://hcservices.courts.gov.in/hcservices/> The petitioner/R.Athinathan, who was allowed to retire from service 2-1/2 years ago without prejudice to his criminal case pending against him as per G.O.(D)No.117, Highways and Minor Ports (HL1)



Department, dated 31.05.2013, has come to this Court with a grievance that when there are several directions issued by the first respondent-the Chief Engineer, National Highways Department, Chennai, for payment of pay fixation arrears within a stipulated time, the said order has not been implemented. Therefore, he has sought for a direction to the third respondent-the Divisional Engineer, National Highways Department, Thanjavur to carry out the orders passed by the Chief Engineer, National Highways, Chennai in his memo, dated 25.05.2015 and 14.08.2015 regarding disbursement of pay arrears of the petitioner, as assured before the District Collector, Thanjavur by the Divisional Engineer, National Highways, Thanjavur in his letter No.777/2013/A1, dated 14.03.2015.

4. G.O(D)No.117, Highways and Minor Ports (HL1) Department, dated 31.05.2013 clearly shows that the petitioner was permitted to retire from service on reaching the age of superannuation, without prejudice to the final orders of the Government based on the outcome of the criminal case pending against him. Subsequently, the first respondent-the Chief Engineer, National Highways Department, Chennai has passed two orders dated 25.05.2015 and 14.08.2015, for early payment of pay fixation arrears. Therefore, this Court finds no impediment to direct the third respondent to implement the orders of the first respondent dated 25.05.2015 and 14.08.2015 and pass appropriate orders on merits and in accordance with law, within a period of two weeks from the date of receipt of a copy of this order. Accordingly, it is ordered and the Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar(Writs)

/True Copy/

Sub Assistant Registrar.

To

1.The Chief Engineer,
National Highways Department,
Chepauk,
Chennai - 600 005.

2.The Superintending Engineer,
National Highways Department,
Madurai.

3.The Divisional Engineer,
National Highways Department,
Thanjavur.

+1CC to Mr.S.Visvalingam, Advocate, SR.No. 57064

+1CC to The Special Government Pleader SR.No. 57515.

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